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1. EXECUTIVE SUMMARY

The two principal questions being considered by the Crime and Misconduct Commission in its current inquiry are: (a) the extent to which it is appropriate for the news media to have access to Queensland Police Service radio communication information; and (b) the options available to provide access to Queensland Police Service radio communication information to the news media.

The terms of reference for the inquiry indicate that consideration will be given to any relevant interests, including those relating to: the public interest; the integrity, safety and effectiveness of police operations; and the privacy concerns of individuals.

The Queensland Police Service does not support providing the media with direct access to its secure digital radio communications for the reasons set out in the submission that follows, including public and officer safety, effectiveness of operations, and information privacy. The Service suggests that there are a number of steps it can take to ensure that the media receive timely, accurate information. These are outlined at the end of the submission.

The Service's radio communications systems have been established, and are being improved, to assist operational police in responding to calls for assistance from the public, and in conducting police operations generally. For a number of years, for operational reasons, the Service has been planning the gradual introduction of secure digital radio communications. Progress towards the implementation of secure digital communications has been guided by the affordability and capability of the technology available.

The existing analogue system has had a number of major operational shortcomings. Digital technology offers greater operational effectiveness and its introduction is overcoming problems experienced with insecure, ageing analogue systems, beset by communications black spots. One of the benefits of digital communication systems is that they offer the capacity for encryption, overcoming the previous operational difficulties experienced with communications that can easily be overheard by criminals and others using simple, inexpensive scanners.

Unauthorised scanning of the Service's radio communications has been practised by a range of external organisations or individuals, for a variety of reasons. Criminals scan communications to assess whether police are alerted to their activities; organisations with a more commercial interest, such as tow-truck firms, also use scanners, in the interest of their business. The media have also scanned police communications in their competition for breaking news.

The Service recognises the commercial interests of the media and other organisations. However, it is also constrained by confidentiality and privacy in the release of information it holds, and is accountable to the Queensland community for maintaining appropriate levels of confidentiality. The Service has a duty of care to its staff and to the public for minimising the inherent risks involved in police operations.

The Service recognises that it is often in the public interest that information is released, and indeed widely disseminated. The Service's Media Unit has maintained a close working relationship with the media to help facilitate, as far as appropriate within the privacy and safety constraints that apply, timely access to police information.

This submission discusses the range of issues the Service wishes to raise, and concludes by suggesting ways in which the media might be kept informed about events as they unfold, offering a range of mechanisms that might be employed.

A significant concern for the Service is that any arrangements that might be recommended are both affordable and logistically possible, and that public safety, and the safety of law enforcement officers, should be the paramount consideration.

2. INTRODUCTION OF DIGITAL RADIO COMMUNICATIONS

Queensland

Until recently the Queensland Police Service used analogue radio communications for the majority of its internal radio communications. The exception to this has been limited secure radio communications facilities available in the Brisbane Metropolitan area and in major rural centres. These facilities have been designed for use in major investigations / operations such as the deployment of Special Emergency Response Team (SERT) officers where information security is absolutely critical.

The earlier Digital Voice Protection (DVP) system was initially used by the (then) Emergency and VIP Protection Squads and the (then) Special Branch. In 1983-84 UHF roll-out commenced in the metropolitan area, followed by Ipswich, Gold Coast and Sunshine Coast. Between 1984 and 1995 the demand for channels in rural areas increased and the existing 15 VHF channels were inadequate to meet this demand.

The issue of digital radio communications has been on the Queensland Police Service agenda for well over a decade. The Service flagged this development in its *Annual Report 1989-1990* under the Radio and Electronics Section entry:

Future objectives planned by the section include:
Additional DVP (Encryption) equipment including a DVP network extending from Sunshine Coast to the Gold Coast including Brisbane and Ipswich.¹

At that stage the planning for a Statewide Digital Voice Protection Network was on the Service's agenda:

The monitoring of police radio communications by persons conducting criminal activities is increasing, in part due to the availability of low cost scanning receivers, which act as an early warning alarm on police activity in the immediate area. It is not unusual to find, when a police operation ("raid") is effected, scanning equipment on the premises and the "targets" gone. To overcome this problem it is necessary to implement a secure radio communications network throughout the State which will prevent the monitoring of police radio frequencies, thereby increasing the effectiveness of police officers involved in crime detection activities. Basically the equipment under discussion acts as an encryptor (or "scrambler") to which most of police hand held radios (UHF) can be linked. At the moment only extremely limited protection is possible, with one portable unit which can be transported throughout the State for a restricted time to enable special operations to take place. The demand for this unit is heavy. This strategy would see the development of permanent DVP facilities at 20 major provincial centres, providing a network of protection.²

In 1993, the Public Sector Management Commission (PSMC) review of the Queensland Police Service considered *inter alia* the state of police radio communications at the time. In the course of this discussion, the PSMC noted that there were:

several inadequacies with the current Police radio service, not the least of which is the complete absence of security mechanisms such as encryption or scrambling on most radio handsets used by operational police.³

The PSMC suggested that a detailed analysis of the security needs of police communications was required.⁴ This finding was one of several that led to the recommendation that a portfolio-wide review of communications services be undertaken as part of the PSMC Review of the Bureau of Emergency Services, initiated in April 1993.

¹ Queensland Police Service, *Annual Report 1989-1990*, p57.

² Queensland Police Service internal briefing note 23.2.93.

³ Public Sector Management Commission *Review of the Queensland Police Service*, April 1993, p244.

⁴ PSMC, p245.

There were similar moves towards digital radio communications at the national level. In March 1995 a NEPI (National Exchange of Police Information) Voice Communications Working Party resolved that APCO25⁵ be the accepted standard for digital radio communications for police in Australia. This decision was based on information available at the time and considered issues such as product release timetables, migration from existing radio communications systems, functionality, compatibility and interoperability.

The NEPI Working Party reconvened in 1996 to discuss a number of issues including the developments in digital radio. This meeting recognised that establishing a digital standard had implications for other agencies, including the National Crime Authority, Australian Customs Service, Department of Defence and Australian Protective Services.

By 1998, four jurisdictions were reported to have committed to APCO25 digital radio standard: the Australian Federal Police (joint federal agency system), South Australia Police, Northern Territory Police, and New South Wales (for the Sydney 2000 Olympic Games).⁶

In 1996 it was decided to use UHF across Queensland based on 64, nationally allocated channels. The UHF roll-out finished in 1999. However, secure communications were still only available to specialist squads.

The Queensland Police Service began its migration to secure digital radio communications in the Brisbane metropolitan area in 1998-99, under a three-year roll-out program. In addition, in 1999 a two-year roll-out began to replace the Crime Operations secure network with digital radio communications.

The Sydney Olympics gave additional impetus to the introduction of digital communications in the Metropolitan South Region (because of the Olympic football events being played at the Gabba). In September 1999, a progress report on the UHF Digital Upgrade reported that as part of the first year of the three-year Metropolitan Digital Radio Communications Project, 52 W3, and six W4 Motorola mobile radios and 184 hand held radios were purchased. This equipment was deployed in the Metropolitan South Region, concentrating on the South Brisbane District. This gave the District digital radio communications that could be used for events related to the 2000 Olympics. This was reflected in the *Ministerial Portfolio Statement* tabled with the State Budget.

Police radio communications facilities and capabilities continued to be upgraded in 1999-2000 with expenditure of \$1.8M. This included the purchase of 120 hand-held radios for the metropolitan area to finalise an asset replacement program, 16 satellite phones for isolated and remote stations and the first stage of development of a secure digital radio communications network in the metropolitan area. The improvements to communications in the South East corner of the State will support police operations during the Olympic Games.⁷

The majority of the Queensland policing support for the 2002 Commonwealth Heads Of Government Meeting (CHOGM) on the North Coast was conducted using digital secure radio communications. Interoperability with other law enforcement agencies during the event, such as Australian Federal Police, was also facilitated using digital radio.

The security of all police communications has been a critical issue for the Service for many years. Technology has afforded the capacity to secure telephone and computer communications for some years. However, until recently the Service has been unable to provide cost-effective secure radio communications. The Service believes that the community has a right to expect that police communications are secure. Information that comes to police is intended for a specific policing purpose. There is no tacit approval to convey this information to a third party.

⁵ Associated Public-safety Communications Officials project number 25.

⁶ A secure digital radio communications system is being provided for the Athens Olympics, at a cost of US\$25 million, using encryption security.

⁷ Queensland Government, *Ministerial Portfolio Statement 2000-01*, p1-19.

Secure radio communications have so far been introduced in the Brisbane metropolitan area covering the Metropolitan North and Metropolitan South police regions.

Digital secure special operations radio communications bases have also been established in major rural centres, at Cairns, Townsville, Mackay, Rockhampton, Gladstone, Bundaberg, Maryborough and Toowoomba. However, these only provide the capacity for secure communications for use in special operations.

- **Joint CAD / Communications Project**

In November 2004 the Police Commissioner and the Director General of the Department of Emergency Services agreed to co-sponsor the Joint CAD/Communications Project. The objective of the project is to investigate and recommend options to meet the needs of Queensland Ambulance Service, Queensland Fire and Rescue Service and the Queensland Police Service for:

- Computer Aided Dispatch (CAD);
- related communication, operations and public access centres;
- related information communication networks; and
- related facility and infrastructure management systems.

As part of its considerations the project will consider the wider application of digital radio technology across Queensland for the three services, and the application of new CAD systems operating from rationalised communications centres and information communications technology networks. It is not anticipated that any component of this project will be implemented for at least three to five years.

The recommendations of the current Crime and Misconduct Commission inquiry will be taken into consideration by the project in the preparation of business cases and technical specifications for radio and telecommunications systems for use by the three services.

Other Australian jurisdictions

The Australian Capital Territory, the Northern Territory, South Australia and Tasmania currently have digital radio communications capability. Western Australia, New South Wales and Victoria are planning the introduction of secure digital communications in the next few years.

The Queensland Police Service digital communications are compatible with the Australian Federal Police, the Australian Crime Commission, the Customs Service, Northern Territory Police and South Australian Police and the Crime and Misconduct Commission.

United Kingdom - Project Airwave

Project Airwave, a national secure digital radio communication system, is currently being rolled out across the 45 police services in England and Wales, and the eight Scottish constabularies.

It is anticipated that when all police forces are on the system police communications across the UK will be improved, including communication with other agencies such as the British Transport Police who will be on a common radio system. This may eventually be used by other emergency services, such as fire and ambulance. The system is currently available to 29 forces, with 10 already fully operational. From 2004, the current UK police radio frequencies will be withdrawn as forces migrate to Airwave.

3. BENEFITS OF DIGITAL RADIO COMMUNICATIONS

Queensland

The Queensland Police Service's digital radio communications system is designed to facilitate an "all informed network" for police. A single transmission can be heard within the entirety of the "footprint" of the radio network (the area within the range of the communications facility). A call for assistance by a police unit or urgent job despatch is heard by all police and can be acted upon by officers using their own discretion (compared to the use of a mobile phone which provides only one to one communication).

A digital signal provides clear communications throughout its entire footprint, whereas the analogue signal fades as it moves towards the boundary of its "footprint". As a result, the digital radio system provides better service delivery throughout its entire range. In addition, police operating within the digital footprint can move throughout police districts and maintain communication with their "home" radio channel. This overcomes the need to "channel surf" from one channel to another as police move across their district, as is the case with the analogue system.

There were a number of reasons for introducing the digital communications in Queensland, including the need to upgrade or replace outdated communications equipment and technology. These included: the reduced risk of communications failure through the use of modern and reliable radio equipment and to reduce the risks associated with the continued use of ageing 1980s Digital Voice Protection equipment (introduced for the 1982 Brisbane Commonwealth Games); more efficient use of the available police radio spectrum; increased operational effectiveness for police responding to incidents; increased public and officer safety; not forewarning offenders of impending police action; and allowing any serviceable analogue UHF equipment that was being replaced with digital equipment to be redeployed to rural areas to address some high priority communications black spots. The benefits of the digital communications introduced in the metropolitan area and State Crime Operations included reduced channel congestion, clearer voice communications, inherent security because of the medium used and the capability of voice encryption.

Before the introduction of digital radio communications in the metropolitan regions, therefore, radio communications were conducted on UHF channels in clear voice analogue but the user had to know which channel to use in which location. Radio black spots existed in the metropolitan areas as well as elsewhere, and the impact of these black spots was increasing as demographics changed. Problems existed with interference on the frequency in south-east Queensland and other areas of the State and there were insufficient channels to allow black spots to be addressed. This limited the capacity to address officer safety issues.

United Kingdom

The reason for introducing Airwave was articulated in a document presented to Parliament in 2001 as part of the Home Office Blueprint for Reform⁸:

The national programme to introduce Airwave, the new police radio communications service, to all forces has now begun. It will conclude in 2005.

The need for more effective communications is evident from countless examples of practical problems encountered with the present force specific systems. A firearms incident on the M6 involved two forces, an armed response unit, and a dog handling unit. None of these were able to communicate with each other except by mobile phone.

Operational benefits that Airwave will provide include:

- interoperability between forces and other agencies, nation-wide roaming;
- secure encryption of all voice and data traffic;

⁸ Home Office, *Policing in a New Century: A Blueprint for Reform*, 2001, p48.

- comprehensive range of data services, including status messages, automatic location and images;
- safety of officers through emergency buttons and automatic locating;
- improved coverage and good quality clear speech;
- reduced interference; and
- access to more capacity for peak demand, particularly for major incidents

The benefits are well appreciated by forces:

North Yorkshire Police desperately needs a new radio system. We can talk to trawlers in the North Sea more clearly than to our own staff. Airwave gives exceptional signal clarity and is a fantastic improvement. More importantly, it is more than a replacement radio: it will radically reform the business of policing.

David Kenworthy, Chief Constable North Yorkshire Police

Unauthorised scanning of police radio communications

Insecure radio communications have allowed various external, unauthorised interested parties, including criminals, emergency service "enthusiasts", and commercial entities such as tow truck companies and the media, to monitor police radios. Anyone has been able to monitor police communications using a relatively inexpensive scanner bought from an electronics store.

The fact that this has been possible does not imply that the Queensland Police Service has in any way condoned the practice. It has happened simply because the Service has not had access to modern, affordable secure radio communication systems. The "all informed network" has always been intended solely for use by police.

The Service is not aware of any offence provisions that exist in Queensland in relation to accessing and monitoring its radio network. While offences do exist under the *Radio Communications Act 1992 (Cth)*, where police radio networks are the subject of interference, there are no offences in relation to merely monitoring police radio networks.

However, it is an offence to intercept police communications in the United Kingdom. Section 5 of the *Wireless Telegraphy Act 1949*, as amended by section 73 of the *Regulation of Investigatory Powers Act 2000* creates the offence of unlawfully intercepting and disclosing messages from the emergency services.

The Criminal Justice Commissioner's *Protecting Confidential Information* report⁹ considered the development of Queensland legislation prohibiting the obtaining of information:

That consideration be given to the creation of an offence that prohibits people from obtaining or trying to obtain from government records any confidential personal information about others, however it might be held. The proposed legislation must include a requirement for dishonesty on the part of the person seeking the information, or his/her knowledge that the information is confidential.(rec 9.1)

No such legislation has yet been enacted, and in the meantime technological advances have increased the capacity for intercepting or scanning private information. Long-distance microphones, telescopic lenses, mobile phone camera technology, and radio scanners all have the potential to intrude, more than ever before, on people's privacy. Legislation to protect information privacy might help to protect the safety and individual privacy of members of the community.

Encryption

One of the critical benefits that digital communications provides is the capacity for encryption, making the exchange of information through the medium more secure and less liable to

⁹ Criminal Justice Commission, *Protecting Confidential Information*, November 2000, p.xxviii.

external, unauthorised scanning. This level of radio security is not offered by analogue communications systems. This capacity for encryption offers enhanced operational effectiveness, protection of information privacy and increased public safety.

4. OPERATIONAL CONSIDERATIONS

There are compelling operational reasons for introducing secure radio communications systems, particularly in relation to public safety, workplace health and safety for police employees, and the effectiveness of police operations.

Secure radio communications enable police to speak more freely than they would if they knew their communications were being monitored by scanners. In practical terms, this means operational police can attend significant and potentially dangerous events and communicate critical, operationally-relevant information secure in the knowledge that a suspect cannot intercept that communication. This may save lives.

The capacity to encrypt communications is vital in the interest of operational effectiveness.

Previously one of the few police units with access to secure digital communications was the Special Emergency Response Team (SERT). For SERT, digital communications have been essential. Operations involve violent offenders who, if forewarned of police activities, can decamp, take hostages, kill hostages, destroy evidence, set barricades or explosive devices or prepare to use firearms or other weapons against the police action. While SERT use digital communications with encryption security, other units that support SERT may not. This raises the prospect of compromising operations if criminals have the capacity to scan police communication channels. SERT are not always available, and dangerous situations can occur in general duties policing when SERT are not present. Even when they are present, secure communications with other officers can be vital.

Elimination of communication black spots

Public and police safety is put at risk by communications systems with inadequate coverage. The new technology is operationally far more effective, quite apart from the capacity of criminals to eavesdrop.

Major security issues

All emergency services, including police, have notification of the media as a key control in ensuring the public's safety at any major incident. This is reflected in the Australian Standards Handbook titled 'Business Continuity Management'.

In these circumstances it is in the public interest, and in the interests of police operations, to notify the media immediately.

However, there can be considerable risk with information gained simply by scanning which, particularly in the early stages of an operation, can be inaccurate or insufficient. Inaccurate or inappropriate reporting can compromise public safety.

It is noteworthy that the main injection of funds into enhancing police communications have occurred when significant major events are being planned, both for enhancing the management of the event and/or where security is an issue.

When serious security breaches occur, commentators with the wisdom of hindsight can point to flaws in intelligence systems, as has happened in relation to recent terrorist attacks in New York and Bali. It is unreasonable to expect security services to operate effectively when hampered by a lack of appropriate technology with which to seek and share intelligence on criminal activity, when such technology becomes available.

Public safety

The QPS has known that the media (and others) can and do scan its radio communications. It has not had the technology to prevent this. Hence, when operations have been undertaken that may risk community safety if the information was available to the public, including the

media, radio communications have been kept to a minimum. This limitation has the potential to put operations at risk.

In the case of some specialist squads or particular operations, digital communications or other forms of communication have been used. Examples of such operations include the execution of warrants on dangerous criminals, SERT operations, large-scale drug operations, or surveillance operations.

But there are many examples of suspects listening in to analogue police communications (which cannot be encrypted). Ten Queensland cases are provided below.

Operation Bravo Wicker (2003)

In one instance, late in 2003, information was received that three recidivist armed robbery offenders had been involved in four armed robberies in Brisbane, and it was believed that they intended to commit further armed robberies. Intelligence also indicated that the suspects were armed and scanning police radio channels.

In the operation that followed, surveillance officers had access to secure radio channels throughout, which was essential, given the scanning capability of the offenders. Whilst the surveillance officers had the use of secure radio channels, detectives involved in the operation had to use mobile phones as their primary means of communication. This proved unsatisfactory, as use of mobile phones caused substantial delays in the dissemination of vital information to officers in the field, and on some occasions a complete failure in the dissemination of information to interception and arrest teams.

Two of the offenders committed an armed robbery at a convenience store. One was armed with a firearm and inflicted a number of head injuries to an employee on the premises at the time. After the robbery the offenders returned to an address that was under police surveillance.

The Police Communication Centre had to be instructed not to broadcast any jobs related to the location of the suspects and to contact the Regional Crime Coordinator via mobile phone as necessary. Given the complexity of the operation, and the fact that the targets had access to scanners, the police analogue system was not secure enough to be used as the primary communication system as there was a considerable risk that the operation would have been compromised.

All three offenders were eventually arrested, together with an accomplice, but the operation was unnecessarily protracted, and hampered by lack of secure communications, considerably increasing the risks involved.

Had a digital network been in place at the time of the operation it would have been used as the primary communication system. This would have significantly enhanced the security of the operation, the safety of an informant, the community and police, and all officers would have received timely and accurate information.

Firearms raid in Brisbane (2002)

The occupants of a premises in Brisbane were known to be armed and had previous convictions for violence. The road in which they lived was blocked off to prevent traffic being in the vicinity of possible gunfire. The occupants were detained and the premises searched without incident. A firearm was located on the premises.

The police radio network was not used, in the interest of the safety of the community.

East Brisbane siege (2002)

An example both of media cooperation, and a threat to media safety that compromised an operation, was a siege in East Brisbane in 2002.

Police were informed that an armed man had threatened his neighbours and then retreated into his house. Police established a forward command post at the premises of a nearby nursery, and inner and outer cordons were put in place. The media were asked to assist by broadcasting to the public that traffic diversions had been put in place.

However, while the cordons were being put in place a television cameraman infiltrated the outer cordon undetected. He positioned himself in a dangerous position near the residence in which the armed offender was believed to be barricaded. The cameraman was not detected until SERT began to tighten the inner cordon.

The operation had to be suspended until the cameraman could be removed safely.

Suspected armed offender (2001)

Police received a report of an armed man in a Brisbane suburb. The job was allocated and described over the police radio network. Police formed up some distance from the target premises to set up a forward command post, and prepared for safe deployment, including putting on protective vests.

A strategy was formulated to resolve the situation, and staff were briefed. A deployment plan was also developed, including allocating a site for media briefing and to enable media to film the incident safely.

In the meantime a television truck arrived, pulling up some distance from police and directly opposite the target premises, thereby placing themselves in danger. Police had to work out a strategy to intervene immediately to remove the TV crew from imminent danger.

This job resulted in a man being detained. It turned out that he only had a replica rifle, however there was no way of knowing that this was the case until he was arrested. Had it been a real rifle the media personnel, and the police who had to assist them, would have had their safety jeopardised.

Operation Beef

Operation Beef was targeted at several armed robberies in Brisbane. The offender was found to be using a small scanner while committing the armed robberies. The scanner was worn on his body, with a small earpiece. His head was covered by a balaclava. He had the scanner tuned both to police communication channels and the security channels used by the shopping centres where he committed his offences. He also wore a ballistic vest and carried an operable .32 calibre pistol during the robberies.

Serial offender - armed robberies (2000)

An offender arrested in 2000 was responsible for three armed robberies of liquor outlets and four banks, as well as numerous instances of unlawful use of motor vehicles.

Police received information that the then suspect may have had access to police radio channels using a commercial scanner. As a result, the police had to use Digital Voice Protection (DVP) radios. This was a poor communication method because the radio network only allowed line-of-sight communications. Police were hampered by being restricted to mobile phone communication.

The offender was eventually detected at a shopping centre, preparing to commit an armed robbery on a bank. The Special Emergency Response Team were able to respond, and the offender was arrested. When arrested he was in possession of a ballistic vest and a semi-automatic handgun with a full magazine and a round in the chamber. He also had a scanner, logged into the Metropolitan South Region's channels. The scanner was capable of storing a number of call codes, activated as a priority. The offender had a list of all the police codes.

The offender had been receiving firearms training at commercial shooting clubs. It was of considerable concern to police that both the public and police were put at additional risk because of his ability to monitor police communications.

Drug Squad (2000)

The State Drug Squad was conducting an operation at Miriam Vale in 2000. The suspect had a radio scanner beside his bed, set to police frequencies. The Drug Squad knew that he was monitoring the radio. As a result, no radios were used in the lead-up to the execution of search warrants.

The suspect told police that he had heard a communication between Gladstone police the night before the raid and suspected that raids were going to take place that day but did not suspect that he was the target.

The operation was a success only because police did not use their radios during the surveillance and closure of the operation.

Illegal car racing (2004)

Before the introduction of secure digital radio communications, police intercepting motorists suspected of illegal racing frequently found that they had scanners. When police were approaching locations known to be used for illegal racing, such as Wellington Point in Brisbane, they would often pass vehicles heading in the opposite direction because the drivers had heard that the police were on their way. This problem has been reduced with the introduction of digital communications.¹⁰

¹⁰ There are a number of internet websites that provide information about police radio frequencies.

Robbery gang (2003)

An offender, currently in custody, informed police that he had been a member of a robbery gang of about five people who would 'case' a premises, decide on their target, then two members of the gang would book into a nearby motel and set up a scanner to monitor the police frequencies. The others would carry out the break-in. The men in the motel would warn the others if police were nearby or on their way.

On one occasion, during a break-in, the two monitoring the police frequencies intercepted a call to the area about a suspect noise. They rang the others, who left the premises they were breaking into. When their colleagues rang to say that the police had called in to say that there were no signs of forced entry and were therefore leaving the area, the offenders returned to continue the break-in. They succeeded in stealing several thousand dollars.

Telephone intercept from New South Wales (1995)

In 1995 New South Wales police provided information, accessed through a telephone interception, about a known serious offender who was travelling to Queensland in a vehicle containing a large amount of explosives, as well as security guard and police uniforms.

The offender was to be telephoned at a particular time and location by someone suspected to be a jail escapee and recidivist armed robber, who was at large.

Surveillance officers using digital radios saw a male go to the telephone in question and make the call to his colleagues travelling north from Sydney. Surveillance officers identified the man as the escapee and he was arrested.

When the house he had been occupying was searched detectives found a large array of commercially available scanners, tuned to police radio channels.

5. LEGAL AND ADMINISTRATIVE CONSTRAINTS ON THE RELEASE OF INFORMATION BY THE QUEENSLAND POLICE SERVICE

The Queensland Police Service undertakes a range of functions as outlined in s.2.3 of the *Police Service Administration Act 1990*. These are to preserve peace and good order, protect the community, prevent crime, detect offenders, uphold the law, ensure the fair and efficient administration of the law and provide services in emergency situations. Secure communications enable the Service to carry out these functions effectively.

The Service is subject to a rigorous legal and administrative regime designed to protect private information and prevent unauthorised disclosure. These are set out in legislation directed specifically to police officers and staff members, such as the *Police Service Administration Act 1990*, reflected also in Part 1.10 of the Service's Operational Procedures Manual. The Service is also subject, as are all government departments, to Information Standards 18 and 42.

The QPS policy framework places a considerable emphasis on the management of private and confidential information to ensure compliance with all legislative and government requirements including those contained in the following:

- *Police Service Administration Act 1990*;
- *Criminal Code Act 1899*;
- *Freedom of Information Act 1992*;
- *Public Sector Ethics Act 1994*;
- Information Standard 42 – Information Privacy; and
- Information Standard 18 - Information Security;

The Service is also subject to legislatively-based confidentiality provisions. The provisions most likely to arise during the QPS operations are:

- Sections 186 to 188 of the *Child Protection Act 1999*;
- Section 288 of the *Juvenile Justice Act 1992*;
- Section 82(1) of the *Domestic and Family Violence Protection Act 1989 (Qld)*;
- Sections 119 and 120 of the *Drugs Misuse Act 1986*;
- Section 153 of the *Commission for Children and Young Peoples Act 2000*;
- Sections 146, 192, 318L, 318ZT – 318ZX, 329, 416, and 454 of the *Police Powers and Responsibilities Act 2000*;
- Sections 5 and 6 of the *Criminal Law (Rehabilitation of Offenders) Act 1986*; and
- Section 6 and 7 of the *Criminal Law (Sexual Offences) Act 1978*.

The main QPS policy documents relating to information management include:

- Code of Conduct (s.17.1 HRMM)
- Procedural Guidelines for Professional Conduct (s.17.2 HRMM)
- Information Security (Chapter. 4 IMM)
- Release of Information (s.1.10 OPM)
- Freedom of Information (s.1.11 OPM)
- Access and Release of Human Resource Information (s.25.3 HRMM)
- Police Headquarters Building Access Policy (s.14 AM)
- Guidelines for the Release of Information (s.9 Statement of Affairs)

These various pieces of legislation or policy principles constrain the Service from divulging a wide range of information. Access by scanning has not been authorised or sanctioned, but it has not, to date, been preventable.

Risk of litigation

Secure digital communications make it possible, for the first time, for the Service to prevent access to its communications network. As a result, despite the fact that analogue technology has allowed outside interests to scan police communications, the Service may now not only

be able, but also be obliged, where digital communications are in place, to use the increased security to prevent unauthorised access to the police communications network.

Criminals' access to the QPS radio network exposes police officers to risk of personal injury where, for example, a criminal uses the network to plan an attack on, or to ambush, police performing patrols or attending calls. In circumstances where the Service has been unable to secure its communications, it would not ordinarily be considered liable for an injury caused, or substantially contributed to, by access to the QPS radio network. However, access to digital technology makes it possible for the Service to reduce this risk. So in an event such as this, where digital encryption has been available but not used, the Service might be considered to be liable when police are injured as a result of criminals' access to police communications.

The black spots in the older, analogue radio network also present a potential safety risk, both to police officers and the community. This is also a concern, from a litigation as well as a public interest perspective. The QPS has a legal obligation to implement reasonable systems to prevent the likelihood of injury to police officers and the community in a variety of circumstances. This includes providing access to reliable communications and support during dangerous and emergency situations. There is an increased risk to police officers and the community if access to assistance is compromised by black spots in radio networks.

The Coroner has publicly identified the need for the Service to investigate options to overcome black spots areas with the clear aim of reducing the likelihood of injury or death to police officers and the community. The (then) Brisbane Coroner Mr MJ Halliday, in his written findings of 12 September 2001 following the inquest into the cause and circumstances surrounding the death of Benjamin Paul Basford, made the following recommendation:

By way of recommendation it is in the public interest and welfare that police vehicles are available at all times, able to be contacted by radio communication. In this day and age of electronic communication it is difficult to appreciate why there might be, close to Brisbane, areas which might constitute black spots or other areas where radio contact with police vehicles is either difficult or not able to be made. It is therefore recommended that the Queensland Police Service continue to monitor police districts in order to identify those areas where radio communication is difficult to maintain and to undertake remedial procedures in relation thereto.

Disclosure of information

Section 10.1 of the *Police Service Administration Act 1990* provides that it is an offence for any existing or former member of the Police Service to disclose information acquired during the course of their employment. The main exception is if such disclosure has been authorised by the Commissioner under s.10.2 of the Act. Disclosure must be consistent with the functions outlined in s.2.3 and the responsibilities imposed on the Commissioner by s.4.8.

In deciding whether or not to authorise disclosure under section 10.2, the Commissioner must exercise his discretion reasonably. A reasonable exercise of discretion would need to take into account considerations such as whether disclosure is otherwise prohibited by law. Statutes preclude the disclosure of certain kinds of information except in very limited circumstances, such as whether the information sought is already in the public domain, or whether consent has been given to disclosure.

The range of considerations precludes the granting of a general authorisation for access to digital radio communications. It follows from the requirement that the Commissioner exercise his discretion reasonably, that only specific authorisations may be given. What is reasonable in certain circumstances may not be reasonable in others.

The issue of the need to ensure the confidentiality and security of police information was the subject of an earlier inquiry by the former Criminal Justice Commission in 2000. In the conclusion to its introductory chapter, the report commented:

Information security is becoming an increasingly important priority for organisations within both the public and the private sector, nationally and internationally. The approach to information security has become much more strategic and broad. It is concerned with the protection of information from all types of threats. Organisations such as the OECD and Standards Australia have issued guidelines and standards on information security. Given the outcomes of this Inquiry, it is apparent that more can be done by the QPS to protect the confidential information that is accessible by its members. Protecting information should be a high priority for the QPS, as failure to do so may result in loss of confidence by stakeholders and other costly consequences (eg investigations and civil action by aggrieved individuals).¹¹

This report preceded the events of 11 September 2001 and the increased threat of terrorism that has followed in their wake. Information security is increasingly also a public safety issue.

The Queensland Police Service Solicitor has provided legal advice to the Police Commissioner on the issue of public access to information conveyed in police communications. The advice refers to a range of relevant legislation, in particular the *Police Service Administration Act 1990*. The advice to the Commissioner concludes:

When consideration is given to the statutory functions of the Service it is, in my view, difficult to marry those functions with full and unfettered access by media organisations to information in the possession of the Service. Section 2.3 has, for example, application to those situations where the media organisations, as they have on countless prior occasions, in partnership with the Service, assisted by identifying offenders, raised the profile of particular crimes or offenders. This collaborative approach is given recognition by s.2.4 of the PSAA. However, in such circumstances a determination has been made by the Service to release particular or specific information to the media.

In my view full and unfettered access to radio communications by anyone other than a member of the Service, would be contrary to the provisions of the PSAA. Therefore it is not a matter of discretion on your part.

Having said that, there is some scope for the Service to release information to the media, if the release is not otherwise the subject of a specific prohibition and the information is not inconsistent with the functions of the Service.

¹¹ Criminal Justice Commission, *Protecting Information*, November 2000, p14.

6. IMPLICATIONS OF PROVIDING DIRECT MEDIA ACCESS TO POLICE RADIO COMMUNICATIONS

The range of constraints on the Queensland Police Service's handling of information in its possession, have already been outlined, including the privacy provisions contained in Information Standards 42 and 18.

For privacy, public safety and operational reasons, the community has a right to assume that police communications will be secure. There is no tacit approval by individuals or the community in general for the Queensland Police Service to convey private, personal or readily identifiable information to a third party.

The central question, then, is whether access to the Service's radio communications should be granted to organisations or individuals outside the Service.

Information as a marketable commodity

Information is a marketable commodity. The market for information is large and changeable. Criminals, intelligence gatherers (illegitimate and legitimate) security firms and providers of security services, funeral directors, glass repairers, tow truck operators, vehicle repairers, second-hand dealers, and the various forms of media all have a commercial interest in information carried on police radio communications.

The media, therefore, are not the only commercial interests seeking access to police information. There are other individuals and organisations that, to a varying degree, could potentially benefit commercially through access to police radio communications. The issue in the context of the current Inquiry, therefore, is whether the media constitute a special case, or whether other interested parties should also be given access to information exchanged on police radio communications.

Any recommendation to provide information in the public interest should therefore also take into account the commercial value of this information.

If the media alone were to be granted access to police radio communications, such a right of access, to the potential detriment of other interested parties, may offend the anti-competitive provisions (ss 46 and 47) of the *Trade Practices Act 1974(Cth)*, because granting access to only one group may give the media, as an entity, a special advantage not available to others. The legislation is directly applicable to the States, so far as the Crown carries on a business either directly or indirectly by an authority of the State (s2B). Under the Act 'business' includes not-for-profit businesses (s4). Therefore even if the Service was not profiting from giving access to its radio communications to the media, it falls under the Act's definition of a business, particularly because the media would be using the information for their business purposes. Consideration may also need to be given to what organisations would fall into the category of 'media'.

Furthermore, the initial recipients of such information would be subject to few controls limiting release of that information to third parties. Once information is released, or is accessible, it can be expected that through legitimate or illegitimate means, it may be released to others.

A recent decision by the Queensland courts recognised that individuals have a legal right to pursue a civil action for damages for an invasion of privacy.¹² This recognition suggests that the Service may now be obliged to take reasonable steps to prevent the dissemination of private information in an environment which is likely to result in harm to an individual, such as using encrypted communications where these are available.

There is an external "market" for information. The unlawful release of information poses a significant corruption risk for all police organisations, and more generally the public sector.

¹² See *Grosse v Purvis* [2003] QDC 151.

The Queensland Police Service manages this issue through the implementation of a comprehensive set of preventive and responsive risk management controls.

Media voluntary codes of practice

The media's approach to privacy is one of self-regulation through voluntary codes of practice, rather than a structured system as exists in the Queensland Police Service and other public sector agencies. These codes are underpinned by Article 11 of the Journalist's Code of Ethics which provides that journalists shall respect private grief and personal privacy and shall have the right to resist compulsion to intrude upon them.

An example of a media code is the Federation of Australian Commercial Television Stations Commercial Television Code of Practice which provides that, in broadcasting news and current affairs programs, licensees must not use material relating to a person's personal or private affairs or which invades an individual's privacy, other than where there are "identifiable public interest reasons" for broadcasts. As one media commentator suggested:

Where does public interest stop and the right to privacy start? That question has hung over proponents of free speech and privacy alike for many years.

There is no general right to privacy in Australian law. Various bits of State and Commonwealth legislation restrict the way in which government information and credit records can be used. Freedom of information laws supposedly make government information available for public scrutiny in some circumstances. In fact, they often have the effect of restricting access to information.

From a newspaper's perspective, public interest remains the prime concern in making decisions about what to publish and what not to publish — what should members of the public know that will help them make informed decisions about issues that might affect them?¹³

The public interest

Now that the digital radio communications technology available allows the Service to secure information through encryption, rather than being unable to secure it, what disclosure is, or is not, in the public interest is a significant consideration. However, determining the "public interest" involves balancing competing interests. Dr Noel Preston, an expert in public sector ethics, has commented on the difficulties involved:

Policies of government or particular commercial activities like the media are criticised in terms of how they serve the public interest. Yet it is an elusive, value-laden term not easily defined and open to various interpretations. Who is to define "the public interest", and who are "the public" anyway?¹⁴

There are two apparently contradictory public interest principles in relation to access to radio communications information: information privacy and freedom of information.

Information Privacy

The Federal Privacy Commissioner has noted that the right to privacy and the public's right to know have often been cast as opposites.¹⁵ The Privacy Commissioner has also recognised that there is a growing unease in Australia and overseas about the impact of new technologies on individual privacy. Community concerns about privacy underpin the Service's rigorous regime for the management of personal information.

¹³ McLeod, Chris, *Privacy Law and Policy Reporter*, 1 July 1999. Mr McLeod was Editorial Development Manager of the Herald and Weekly Times.

¹⁴ Dr Noel Preston, Director UnitingCare Centre for Social Justice, cited on <http://www.unitingcareqld.asn.au>. See Preston, Noel, *Understanding Ethics* 2nd Edition, Federation Press, Sydney, 2001.

¹⁵ Office of the Federal Privacy Commissioner, media release, 20 October 1999.

This is in direct conflict with public access to the Service's analogue radio communications, which is simply the result of the limitations of the old technology. Non-digital radio communications provide a virtually unrestricted system in which information of a highly sensitive and personal nature may be disclosed to persons and agencies (including the media) simply because they have access to scanning and interception technology.

Defining the public interest becomes an issue of weighing up competing public interests. In this case, there is the public's need, and right, to know what is happening around them. Against this public right is the individual's right to privacy, and the right of the security services to conduct their operations as safely as possible, in the interest of both the public and the officers concerned.

Freedom of Information

The difficulty is identifying where the dividing line lies between public interest and public curiosity. Public interest for public sector agencies such as the Queensland Police Service is defined objectively by external agencies such as parliament (through the enactment of legislation such as the *Child Protection Act* and the *Juvenile Justice Act*) and the Office of the Information Commissioner (through decisions concerning the scope of exemptions to the *Freedom of Information Act 1992* in relation to personal affairs).

The preamble to the *Freedom of Information Act 1992* states:

An Act to require information concerning documents held by government to be made available to members of the community, to enable members of the community to obtain access to documents held by government and to enable members of the community to ensure that documents held by the government concerning their personal affairs are accurate, complete, up-to-date and not misleading, and for related purposes.

The information exchanged over the Service's radio communications frequently has not been verified, and public release carries the same risk the Act was framed to overcome in relation to personal information held in government documents.

The Queensland Police Service position may be summarised by resort to the personal affairs exemptions in sections 44 and 48 of the *Freedom of Information Act 1992*. These sections have been interpreted by the Information Commissioner to create a strong public interest against the disclosure of personal information. It is only where there are other public interest considerations of a greater or, in the case of section 48, compelling weight that the presumption against disclosure is overborne.

In relation to privacy, the difficulty inherent in the media having access to police radio communications is determining which personal information may be eligible for protection against release by the Queensland Police Service. Even where the media do not publish information accessed in this way, the ability of the Service to protect confidential information may be severely compromised.

The Queensland Information Commissioner has struck down the use of a number of Freedom of Information exemption provisions by the Service where:

there has been substantial dissemination of the information, such as to render the information as 'public knowledge'.

Where media outlets have, for example, obtained information about an informant, it may then be difficult to apply exemption provisions designed to protect the informant's identity.¹⁶

¹⁶ 42 Matter relating to law enforcement or public safety (1) Matter is exempt matter if its disclosure could reasonably be expected to - (b) enable the existence or identity of a

Once information is disclosed to any outside agency that is not subject to the same privacy regime, the Queensland Police Service loses all control over its further dissemination unless there is some form of undertaking to restrict dissemination. Any such undertaking, however, has inherent weaknesses, and there is no real control preventing further dissemination.

Limitations of the information currently exchanged through radio communications

There are additional inherent problems with public or media being given direct access to information through scanning police radio communications.

The information available on the Queensland Police Service radio system has significant limitations. Not only is it not verified, but it does not reflect all responses to calls for service, reported crime, investigations or police operations. Much police activity is completed without, or with limited use of, radio communications.

The limitations of the data available over the radio communications system, therefore, limits the extent to which it is of real use to any interested party. The limitations of the data also raise significant liability issues for the Service should individuals act on information that is accessed by any means: through any lawful scheme, through unlawful release, or through release that, although unlawful, was preventable.

confidential source of information, in relation to the enforcement or administration of the law, to be ascertained.

7. PUBLIC ACCOUNTABILITY

It has been argued that the media provide an accountability mechanism and their capacity to access police radio communications is therefore in the public interest.

There are different aspects to public accountability. The Queensland Police Service is accountable, as the primary owner of much of the information available through its radio communications, to the Queensland community. It is accountable for how that information is stored, used, secured, accessed and released. The Service is required to be accountable for protecting the privacy of individuals and organisations and is held to account for the safety of operational officers, of the community, and of persons in its custody. Release of information at any time can impinge on these various accountabilities.

Releasing information to the media in the "public interest", without careful consideration of the consequences, will impact on these accountabilities. Immediate access to radio communications or police information management systems may allow the media to closely scrutinise police operational behaviour, but this same access may result in a failure of the Queensland Police Service to meet its other accountabilities.

The Service recognises that the media play an important role in informing the public and making comment about the quality of policing. The Queensland Police Service wishes to provide information to the media in a way that is safe, fair and ethical.

Existing accountability mechanisms

There are a number of accountability mechanisms already in place within the Service. The cost, depth and use of these mechanisms should not be underestimated.

The Service is subject of stringent accountability including:

- misconduct complaints processes and research recommendations pursuant to the *Crime and Misconduct Act 2001*;
- the *Freedom of Information Act 1992*;
- the operations of the Queensland Audit Office and the Ombudsman;
- Courts: administrative, criminal and civil.

In addition, the Service recognises that it must respond effectively to complaints against police for misuse of the information the Service holds, especially where they involve any aspect of alleged commercial gain. All such complaints are assessed as police or official misconduct and are fully investigated as part of a zero-tolerance approach to this type of allegation. In addition, when these investigations are conducted by the Service they are independently overviewed or monitored by the Crime and Misconduct Commission. In all instances where this type of allegation is substantiated, the Service imposes heavy penalties on its members.

Potential monitoring of secure radio communications

There is a range of potential audit processes available should there be concern that lack of direct media access to the Service's secure digital radio communications would reduce the Service's public accountability.

Potential audit processes could include: regular monitoring of telephone/radio transmissions on current recording systems (generally in place in most communications centres across the State).¹⁷ These systems record all voice transmissions of Communication Room Operators

¹⁷ Equipment manufactured by RACAL Instruments.

and communications operators. The Inspectorate and Evaluation Branch has conducted this process at Mt Isa Communications e.g. monitored a selection of interactions/recordings for quality of Communications Room Operators actions and standards of calls for service.

There are other audit processes that could be pursued if risks are assessed as significant. These include monitoring of systems and radio communications, audit trails, and alerts on internet emails and downloads.

An independent audit by the Queensland Audit Office, the Crime and Misconduct Commission or any other public sector monitoring body could also monitor the Service's accountability in this area.

In addition to the accountability mechanisms already in place, a position of Communications Monitor could be established. A Communications Monitor could help ensure that police officers using the Service's radio communications were accountable for their behaviour when answering calls for service or conducting operations.

The Communications Monitor could be a person appointed to perform a similar role to that of the Public Interest Monitor (appointed under the *Police Powers and Responsibilities Act 2000* to monitor the use of surveillance warrants and covert search warrants), and be independent of both the Service and the media. The Communications Monitor could be given specific powers and protections to access and monitor the police radio network at any time, as a check against poor or inappropriate police behaviour.

8. MEDIA ACCESS TO DIGITAL RADIO COMMUNICATIONS IN OTHER AUSTRALIAN JURISDICTIONS

Overview¹⁸

All Australian police jurisdictions have indicated that they either currently have or will be moving to encrypted digital communication systems within the next few years. The jurisdictions which currently have secure digital communications have indicated that they do not provide, and have no future intention of providing, the ability for live police communications to be scanned by the media or any other organisations.¹⁹ Those jurisdictions²⁰ currently planning the introduction of secure digital communications are considering the issue of dissemination of information to the media as part of their implementation plans.

Arrangements for advising media of potentially newsworthy events in the jurisdictions which currently have secure communications vary, but none of them provide a live feed of police communications. Of those to introduce secure communications in the future, Western Australia and Victoria have indicated that they are not intending to offer direct access to police communications to the media. New South Wales is currently considering its position.

The current situation in each jurisdiction, as reported by the jurisdiction to the Queensland Police Service, is provided below.

ACT

The ACT is currently operating encrypted digital communications with no means of scanning available to the media. The ACT has implemented a system of advising media of significant jobs and potentially newsworthy events using a combination of telephone and pagers. Advice is provided through the ACT Australian Federal Police media unit.

South Australia

South Australia has secure digital communications and does not provide any means for the media to hear live communications. The police media unit in South Australia uses several methods for alerting media to significant events, including telephone, email and faxed news releases. In addition, there is an automatic feed to media of approved job codes from the South Australian police computer aided despatch system. The job codes fed to the media are generally of an emergency nature including search and rescue and traffic incidents. A wide range of police job codes are not included in the feed.

Northern Territory

The Northern Territory currently has a communications system which is largely based on a secure digital network, but there are still some areas of analogue. This is due to be phased out by 2006. All major cities in the Northern Territory are covered by secure digital communications. The system is used by police and other emergency services in the Northern Territory and is also shared by a range of Federal authorities including Customs, Australian Federal Police and the Australian Defence Force Police.

The Northern Territory uses a number of strategies to advise media of newsworthy or potentially newsworthy police activities. These include an audio message board, an active alert system. This can be accessed by media at any time and plays pre-recorded advice of emerging police jobs. In addition, the Northern Territory Police and Emergency Services media unit provides advice of newsworthy jobs by email, through a pager system and has plans to introduce an SMS system in the near future.

¹⁸ Information provided to the QPS by the jurisdictions concerned.

¹⁹ Those jurisdictions that currently have secure digital communications are the Australian Capital Territory, the Northern Territory, South Australia and Tasmania.

²⁰ Western Australia, New South Wales and Victoria

Tasmania

Tasmania has a combined digital and analogue system, which largely operates on digital communications within the metropolitan areas and analogue outside. The digital system is encrypted. When the encrypted system was introduced, the Tasmanian Police explored options for providing the media with access to live communications but these were abandoned for privacy and related considerations. When digital secure communications were introduced, the capacity of the Tasmanian Police Media Unit was expanded to provide a service to the media.

Generally the media are advised of potentially newsworthy events through a system of regular calls from media to the Tasmania Police media unit, often on an hour-by-hour basis. Tasmanian police have advised that, due to some technical problems, they have currently, but temporarily, reverted to operating a totally analogue system. Despite this, the media have continued to rely on the new system, developed with the introduction of digital communications, to gain information on potentially newsworthy police events.

Western Australia

Western Australia is planning to implement digital encrypted communications across the state by 2007. It is currently illegal to scan police communications in Western Australia, although media organisations have been doing this openly for many years. Western Australia has not considered the possibility of allowing media access to police communications once their system is digital. It would also require changes to their laws to do so. They are currently researching options for providing timely advice of newsworthy or potentially newsworthy items to the media following the introduction of secure digital communications in 2007.

9. OPTIONS FOR PROVIDING TIMELY, ACCURATE INFORMATION TO THE MEDIA

Current Queensland Police Service media liaison arrangements

The Queensland Police Service media unit currently operates between 6am and 10pm on Monday to Friday, and 7am and 8pm on Saturdays and Sundays.

Since the introduction of secure digital communications in the Metropolitan South and Metropolitan North police regions the unit has adopted a policy of providing advice as early as possible on potentially newsworthy police jobs, generally by telephone to newsroom Chiefs of Staff. In addition, the media unit attempts to provide as much information to the media as possible and to research and respond to a wide range of questions from the media as quickly as possible. In addition to early initial advice of potentially newsworthy operations the Queensland Police media unit also attempts to provide timely updates and to answer specific questions.

In significant policing events for which there is a large media contingent, the Queensland Police Media Unit will also provide a Media Liaison Officer at the scene to ensure the media are provided with opportunities for photographs, video tape and, where appropriate, to provide a suitable officer for interview.

Many questions from the media also require considerable research and advice from subject experts. The branch has recently been restructured to aid this process and to provide timely, efficient and informative advice to the media.

While it has been suggested that it might be inappropriate for the Media Unit to carry out a 'gatekeeper' role in relation to information released to the media, its responsibilities include taking into consideration the issues of safety, privacy, and freedom of information that have been the focus of this submission.

Options for advising media of emerging newsworthy events

- **Communications Room Operators**

One suggestion that has been put forward is to have radio communication room staff provide 'appropriate' information from radio and computer-aided dispatch information, in close to 'real time'. This is an impractical suggestion. Communications room staff work under, at times, quite stressful conditions, and under significant time pressure.

The decision to determine what information is 'appropriate' for release is not one that should be made under the type of pressure that exists in the communications room. It requires considered judgement about competing public interests. The person asked to make this decision has to consider whether release at this time would prejudice an operation or investigation, the safety of those involved, whether confidential information is involved, whether it would prejudice the trial of an alleged offender, and individual privacy concerns. This additional responsibility would also add to the stress in the communications room and might, itself, reduce the effectiveness of the communications officers in carrying out their primary role.

It would also be costly and require additional human resources and systems. Critical operations would constantly override the information (and verification) needs of the media. The staff in communications rooms are often civilians who, while aware of the communications systems and processes, are not familiar with all the operational practices involved.

- **Police Media Unit**

The Police Media Unit is an organisational unit dedicated to providing public information, and would therefore not suffer the conflict that could arise if communications room staff were expected to channel information to the media.

The Queensland Police Service has researched a range of options that will further enhance its capacity to provide timely advice to media representatives of significant and potentially newsworthy events. Preparations to enable introduction of the systems are well advanced and changes have already been made to the Police Media Unit office to facilitate timely receipt of information from operational police officers and dissemination to the media.

The Police Media Unit currently advises media representatives of major potentially newsworthy events, but the options listed below would enable this service to be expanded.

Currently police media liaison officers are advised of emerging events by Communication Coordinators or operational police involved in a job. It may be possible to expand this advice system to include live information from the computer aided despatch system, and monitoring of police radio systems by Service media liaison officers.

Information relating to a wider range of appropriate, potentially newsworthy events could then be disseminated in a range of ways to the media. Information to be disseminated would include sufficient detail to enable media representatives to get to scenes in a timely manner to provide opportunities for pictures or video to be taken. However, it would not include personal or other information which would invade the privacy of individuals or compromise police operational integrity.

It is not proposed that information relating to such events as sexual assaults or offences involving children would necessarily be immediately disseminated. In some circumstances, advice relating to such events would need to be delayed to protect the identity or other information relating to victims. However, appropriate details of the crime would be released as soon as possible, but within normal legal limitations relating to such matters.

It is intended that discussions will be held with senior media representatives to determine detailed parameters for this proposed media advice system. Every effort will be made to satisfy media requirements while giving necessary regard to police operational integrity, privacy and other legal requirements for dissemination of information.

A range of options to provide timely advice to the media have been explored. Following is an outline of some options that are available, but other options will also be considered, especially as new technology emerges.

- ***SMS messaging system***

An SMS-based messaging system would enable the Police Media Unit to give advice on a range of possibly newsworthy events to any number of media staff at the one time. This would enable them to get to scenes to gather pictures and information for stories. Details to be included in SMS messages would be sufficient to enable media to respond, but not so detailed as to breach privacy principles, or jeopardise police operational integrity.

The system being considered would enable an immediate broadcast SMS to be sent from a computer terminal and could also be linked to a simultaneous email message. The number of recipients would be unlimited, with media organisations able to nominate as few or as many recipients as they required. Costs would be allocated on a user-pays basis. Current indications are that costs would be approximately \$9 a month subscription and 22 cents per message received. This system could also be linked to a pager.

- ***Broadcast telephone connection***

It would be possible to supplement the SMS messaging system with a "one-call-to-all" telephone system. This would enable the Police Media Unit to relay a voice message to an open phone line located in newsrooms of participating media organisations.

Such a system would enable immediate advice to a central location, about emerging or changing situations and could include more detail than SMS messages. Costs of such a

system would vary depending on number of users and other issues. It would likely involve a one-off establishment cost and smaller regular line rental fees. This system would also enable several radio stations at once to record “voice grabs” for broadcast.

- **24-hour Media Unit operation**

To provide an around-the-clock advice system the operating hours of the Police Media Unit could be expanded to either 21- or 24-hours, seven days a week. This would enable timely advice of major events overnight and also enable a wider range of early morning round-up news releases to be produced and provided. This also has the potential to significantly assist early morning radio news bulletins. It would provide continuity of information and capacity for providing information to media when major newsworthy events occur late at night or in the early morning.

It is felt that such a service, while incurring significant on-going costs for the Queensland Police Service, would enhance the service already provided to the media by the QPS Media Unit. Several media organisations have previously requested longer operating hours by the Police Media Unit.

Other possible options

Audio message board - This option is used in some other police media units in Australia and overseas. It enables messages to be pre-recorded and accessed by media representatives by telephone at their convenience. It would also be possible for statements relating to major events to be recorded by news organisations and used in radio bulletins. With development of technology it will also be possible in the near future to access such a bulletin board via the internet.

Real-time web site information – Further development of the QPS website which is currently planned, will enable information to be placed on the website in real time. This will enable more detailed information on appropriate police operations to be disseminated to a wide audience including the media.

Downloadable video and images – Website developments in the future will also enable video and still images and sound to be downloaded from the QPS web site by media organisations.